

109TH CONGRESS  
1ST SESSION

# S. 1272

To amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

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## IN THE SENATE OF THE UNITED STATES

JUNE 20, 2005

Mr. NELSON of Nebraska introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Belated Thank You  
5       to the Merchant Mariners of World War II Act of 2005”.

1 **SEC. 2. MONTHLY BENEFIT FOR WORLD WAR II MERCHANT**  
 2 **MARINERS AND SURVIVORS UNDER TITLE 46,**  
 3 **UNITED STATES CODE.**

4 (a) MONTHLY BENEFIT.—Chapter 112 of title 46,  
 5 United States Code, is amended—

6 (1) by inserting after the table of sections the  
 7 following new subchapter heading:

8 “SUBCHAPTER I—VETERANS’ BURIAL AND  
 9 CEMETERY BENEFITS”;

10 and

11 (2) by adding at the end the following new sub-  
 12 chapter:

13 “SUBCHAPTER II—MONTHLY BENEFIT  
 14 “§ 11205. **Monthly benefit**

15 “(a) PAYMENT.—The Secretary of Veterans Affairs  
 16 shall pay to each person issued a certificate of honorable  
 17 service pursuant to section 11207(b) of this title a month-  
 18 ly benefit of \$1,000.

19 “(b) SURVIVING SPOUSES.—

20 “(1) PAYMENT TO SURVIVING SPOUSES.—The  
 21 Secretary of Veterans Affairs shall pay to the sur-  
 22 viving spouse of each person issued a certificate of  
 23 honorable service pursuant to section 11207(b) of  
 24 this title a monthly benefit of \$1,000.

25 “(2) EXCLUSION.—No benefit shall be paid  
 26 under paragraph (1) to a surviving spouse of a per-

1 son issued a certificate of honorable service pursuant  
 2 to section 11207(b) unless the surviving spouse was  
 3 married to such person for no less than 1 year.

4 “(c) EXEMPTION FROM TAXATION.—Payments of  
 5 benefits under this section are exempt from taxation as  
 6 provided in section 5301(a) of title 38.

7 **“§ 11206. Qualified service**

8 “For purposes of this subchapter, a person shall be  
 9 considered to have engaged in qualified service if, between  
 10 December 7, 1941, and December 31, 1946, the person—

11 “(1) was a member of the United States mer-  
 12 chant marine (including the Army Transport Service  
 13 and the Naval Transport Service) serving as a crew-  
 14 member of a vessel that was—

15 “(A) operated by the War Shipping Ad-  
 16 ministration or the Office of Defense Transpor-  
 17 tation (or an agent of such Administration or  
 18 Office);

19 “(B) operated in waters other than—

20 “(i) inland waters;

21 “(ii) the Great Lakes; and

22 “(iii) other lakes, bays, and harbors of  
 23 the United States;

1                   “(C) under contract or charter to, or prop-  
2                   erty of, the Government of the United States;  
3                   and

4                   “(D) serving the Armed Forces; and

5                   “(2) while serving as described in paragraph  
6                   (1), was licensed or otherwise documented for serv-  
7                   ice as a crewmember of such a vessel by an officer  
8                   or employee of the United States authorized to li-  
9                   cense or document the person for such service.

10   **“§ 11207. Documentation of qualified service**

11           “(a) APPLICATION FOR SERVICE CERTIFICATE.—A  
12   person seeking benefits under section 11205 of this title  
13   shall submit an application for a service certificate to the  
14   Secretary of Transportation, or in the case of personnel  
15   of the Army Transport Service or the Naval Transport  
16   Service, the Secretary of Defense.

17           “(b) ISSUANCE OF SERVICE CERTIFICATE.—The  
18   Secretary who receives an application under subsection (a)  
19   shall issue a certificate of honorable service to the appli-  
20   cant if, as determined by that Secretary, the person en-  
21   gaged in qualified service under section 11206 of this title  
22   and meets the standards referred to in subsection (d) of  
23   this section.

24           “(c) TIMING OF DOCUMENTATION.—A Secretary re-  
25   ceiving an application under subsection (a) shall act on

1 the application not later than 1 year after the date of that  
2 receipt.

3 “(d) STANDARDS RELATING TO SERVICE.—In mak-  
4 ing a determination under subsection (b), the Secretary  
5 acting on the application shall apply the same standards  
6 relating to the nature and duration of service that apply  
7 to the issuance of honorable discharges under section  
8 401(a)(1)(B) of the GI Bill Improvement Act of 1977 (38  
9 U.S.C. 106 note).

#### 10 **“§ 11208. Definitions**

11 “In this subchapter, the term ‘surviving spouse’ has  
12 the meaning given such term in section 101 of title 38,  
13 except that in applying the meaning in this subchapter,  
14 the term ‘veteran’ shall include a person who performed  
15 qualified service as specified in section 11206 of this title.

#### 16 **“§ 11209. Authorization of appropriations**

17 “There are authorized to be appropriated to the Sec-  
18 retary of Veterans Affairs such sums as may be necessary  
19 for the purpose of carrying out this subchapter.”.

20 (b) CONFORMING AMENDMENTS.—Subsection (c) of  
21 section 11201 of title 46, United States Code, is amend-  
22 ed—

23 (1) in paragraph (1), by striking “chapter” and  
24 inserting “subchapter”; and

1           (2) in paragraph (2), by striking “chapter” the  
2           second place it appears and inserting “subchapter”.

3           (c) CLERICAL AMENDMENTS.—The table of sections  
4 at the beginning of chapter 112 of title 46, United States  
5 Code, is amended—

6           (1) by inserting at the beginning the following  
7           new item:

“SUBCHAPTER I—VETERANS’ BURIAL AND CEMETERY BENEFITS”;

8           and

9           (2) by adding at the end the following new  
10          items:

“SUBCHAPTER II—MONTHLY BENEFIT

“11205. Monthly benefit.

“11206. Qualified service.

“11207. Documentation of qualified service.

“11208. Definitions.

“11209. Authorization of appropriations.”.

11          (d) EFFECTIVE DATE.—Subchapter II of chapter  
12 112 of title 46, United States Code, as added by sub-  
13 section (a) of this section, shall take effect with respect  
14 to payments for periods beginning on or after the date  
15 of the enactment of this Act, regardless of the date of ap-  
16 plication for benefits.

1 **SEC. 3. BENEFITS FOR WORLD WAR II MERCHANT MARI-**  
 2 **NERS UNDER TITLE II OF THE SOCIAL SECU-**  
 3 **RITY ACT.**

4 (a) BENEFITS.—Section 217(d) of the Social Secu-  
 5 rity Act (42 U.S.C. 417(d)) is amended by adding at the  
 6 end the following new paragraph:

7 “(3) The term ‘active military or naval service’  
 8 includes the service, or any period of forcible deten-  
 9 tion or internment by an enemy government or hos-  
 10 tile force as a result of action against a vessel de-  
 11 scribed in subparagraph (A), of a person who—

12 “(A) was a member of the United States  
 13 merchant marine (including the Army Trans-  
 14 port Service and the Naval Transport Service)  
 15 serving as a crewmember of a vessel that was—

16 “(i) operated by the War Shipping  
 17 Administration or the Office of Defense  
 18 Transportation (or an agent of such Ad-  
 19 ministration or Office);

20 “(ii) operated in waters other than—

21 “(I) inland waters;

22 “(II) the Great Lakes; and

23 “(III) other lakes, bays, and har-  
 24 bors of the United States;

1 “(iii) under contract or charter to, or  
2 property of, the Government of the United  
3 States; and

4 “(iv) serving the Armed Forces; and

5 “(B) while serving as described in subpara-  
6 graph (A), was licensed or otherwise docu-  
7 mented for service as a crewmember of such a  
8 vessel by an officer or employee of the United  
9 States authorized to license or document the  
10 person for such service.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
12 subsection (a) shall apply only with respect to benefits for  
13 months beginning on or after the date of the enactment  
14 of this Act.

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